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RUEHZP/AMEMBASSY PANAMA 4086
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RUEHGL/AMCONSUL GUAYAQUIL 4950
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C O N F I D E N T I A L BOGOTA 002629

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SUBJECT: ARMY IG STILL BLOCKED, BUT NEW MOD SPARKS HOPE

REF: BOGOTA 2050

Classified By: Political Counselor Mark A. Wells
Reasons 1.4 (b and d)

SUMMARY

1. (C) Army Inspector General Suarez reports his recommendations for administrative dismissals of those implicated in 'false positive' murders are blocked. Suarez expressed frustration at the pace of criminal and disciplinary investigations and pointed to the immediacy of administrative dismissals. He also underscored the impact administrative dismissals have had in reducing new 'false positive' cases. Suarez commended the SOUTHCOM-funded Rules of Engagement exercise as a tool to deter future human rights violations, but requested further USG support for his efforts to investigate past crimes. Presidential Human Rights Director Franco said the military's human rights efforts had stalled during the interim period between Defense Ministers, but noted he expects incoming MOD Silva to build on former MOD Santos' human rights strategy. End Summary

INSPECTOR GENERAL STILL BLOCKED

2. (C) Army Inspector General (IG) Major General Carlos Suarez told Polcouns on August 18 that he is continuing his investigations of 'false positive'--murders reported as combat kills--cases, but that Army Commander Major General Oscar Gonzalez is blocking administrative dismissals of those implicated. Suarez said Gonzalez had convinced Deputy Army Commander General Jorge Octavio Ardila and Army Human Resources Head General Javier Fernandez Leal--Suarez' fellow members of the three-person committee that must approve the Army's discretionary authority to dismiss personnel--to reject administrative dismissals unless the Prosecutor General's Office (Fiscalia) had already ordered an individual's arrest (REF A). Suarez emphasized an administrative dismissal is often the only immediate way to confront 'false positive' crimes. He expressed concern for the pace--months or even years--of the Prosecutor General's Office's criminal investigations and the Inspector General's (Procuraduria) disciplinary investigations.

3. (C) Suarez noted a dramatic reduction in the number of

'false positive' cases since the GOC had taken the "unprecedented" action to publicly dismiss 27 members of the Armed Forces in October 2008. In fact, only one new case of the allegations investigated since October appeared to be worthy of referral to prosecutors, he asserted. Despite progress, Suarez emphasized the importance of continued action to prevent a resurgence of the criminal practice. He cited the implementation of the SOUTHCOM-funded Rules of Engagement project as an important measure to deter future 'false positive' cases.

¶4. (C) Still, he stressed the importance of addressing past crimes, and requested continued USG support for the Inspector General Office's efforts. To that end, the U.S. Military Group (MILGROUP) has invited four staff members of the Armed Forces Inspector General's Office--two representatives from the Army, one from the Air Force, and one from the Navy--to participate in training at the U.S. Army's inspector general school in Fort Belvoir, Virginia in October 2009. MILGROUP is also pursuing funding to invite Suarez and the Armed Forces IG, Major General Julio Armando Guzman Rios, to visit the school and explore the possibility of creating a similar model in Colombia.

RELATIONSHIP BETWEEN ARMY COMMANDER AND EXTRADITED MAJOR

¶5. (C) Suarez signaled the strong relationship between General Gonzalez and the extradited former Commander of the 11th Brigade Gaula anti-kidnapping unit Major Julio Cesar Parga Riva. Parga was extradited to the U.S. for narcotrafficking; the Prosecutor General's office has charged him with extrajudicial killings in Cordoba.

HUMAN RIGHTS HEAD EXPECTS ADVANCES UNDER NEW MOD SILVA

¶6. (C) On August 19, Presidential Human Rights Director Carlos Franco told Polcouns the three-month gap between Defense Ministers (MOD) had been detrimental to the military's human rights efforts. Franco reported elements of the military had pressured acting MOD Major General Freddy Padilla to avoid transferring additional cases of suspected human rights abuse by the military to the ordinary justice system. He added some political and military leaders had launched a misinformation "offensive" to convince President Uribe that accusations of military human rights violations were staged for political purposes and that the ensuing investigations had harmed morale and reduced legitimate military operations, allegations that Franco denied. These actors had also attempted--but failed--to influence the President's selection of the new MOD Gabriel Silva Lujan. Franco was hopeful that incoming MOD Silva would build on former MOD Santos' human rights strategy.

Brownfield